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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3577 OF 2005

Association of Chemical Workers ... Petitioner

V/s.

M/s.Standard Industries Limited
Standard Alkali (Chemical Division)
& Ors. ... Respondents

Ms.N.D. Buch i/b Ms.Bina Dholakia for Petitioner
Mr.M.S. Naik a/w Mr.A.K. Jalisatgi for Respondent Nos.1 to 3
Mr.A.V. Bukhari i/b K.Shetty for Respondent No.4

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **SEPTEMBER 1, 2005**

P.C.:

. This Petition challenges the interim order of the Industrial Court in the complaint filed by the Petitioner under Items 9 and 10 of Schedule IV of the MRTU & PULP Act. Ms.Buch, learned Counsel appearing on behalf of the Petitioner, contends that the complaint itself has apparently been disposed off by this order although the operative portion indicates that the interim application stands dismissed. She contends that since the Industrial Court has in effect held that the bar under section 59 of the MRTU & PULP Act operates,

prima facie, the complaint itself stands disposed off. She also submits that interim relief by way of payment of some amount to the workmen ought to have been granted during the pendency of the complaint.

2. In my view, the findings of the Industrial Court on the question of the complaint being barred by section 59 of the MRTU & PULP Act are prima facie and would not in any way hamper the disposal of the complaint on merits. The Industrial Court would have to finally decide this issue along with other issues when the complaint is heard. The workmen concerned would in any event, whether they succeed in the complaint or not, be entitled to retrenchment compensation. It appears that the cheques issued to them earlier by the respondent-company have been returned by the workmen. Mr.Naik, appearing for the company states that the company will reissue all the cheques to the workmen concerned by Monday, 5th September, 2005.

3. In view of this, the following order will meet the ends of justice:

i) The company shall reissue the cheques to the concerned workmen in respect of retrenchment compensation by Monday, 5th September, 2005.

ii) The workmen will accept the cheques

without prejudice to their rights in the complaint and the pending reference before the Industrial Tribunal.

iii) The complaint shall be disposed off by the Industrial Court, uninfluenced by its findings which are obviously, prima facie, in respect of the provisions of section 59 of the MRTU & PULP Act as well as the other findings arrived at by the Industrial Court.

4. Writ Petition is disposed off in the above terms.